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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,956	11/29/2005	Ingwald Vollrath	04306/0203387-US0	1264
7278 7590 06/09/2008 DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770				
EXAMINER SAN MARTIN, EDGARDO				
ART UNIT 2837		PAPER NUMBER		
MAIL DATE 06/09/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/549,956

Applicant(s)

VOLLRATH ET AL.

Examiner

Edgardo San Martin

Art Unit

2837

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG/08)
Paper No(s)/Mail Date 9/15/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami et al. (US 4,152,096) in view of Bingle et al. (US 6,362,548).

With respect to claim 1, Murakami et al. teach a system for closing a housing comprising a hollow base; a cover to be coupled to the hollow base, the parts defined by the hollow base and the cover including mutually seatable peripheral flanges (Fig.9, Items 22 and 23); and a retaining means affixing the hollow base to the cover in the joining region where the peripheral flanges are mutually seated, characterized in that the peripheral flanges are shaped to define, jointly, an internal channel (Fig.9, Item 82) extended along at least part of the circumferential extension of the peripheral flanges, the internal channel being filled with a gasket (Fig.9, Item 48); but fail to disclose wherein the internal channel is opened to the opposite external faces of the latter by means of throughbores axially aligned to each other in pairs, each pair of throughbores maintaining a circumferential distance in relation to an adjacent pair of throughbores and wherein the gasket projects outwardly from the throughbores so as to define an axial lock portion to be seated on each of the adjacent opposite external faces of the peripheral flanges.

On the other hand, Bingle et al. teach an injected gasket (Fig.11, Item 100") being place over surface (Fig.11, Item 24") having a plurality of throughbores (Fig.11, Item 114) wherein the gasket projects outwardly from the throughbores so as to define an axial lock portion (Fig.11, Item 118) to be securely seated on the surface.

It would have been obvious to a person with ordinary skill in the art at the time of the invention was made to employ the Bingle et al. gasket configuration with the Murakami et al. design because it would permit the gasket to serve as a sealing member and also as a locking mechanism that would secure the coupling of the base to the cover without the need of an external locking mechanism.

With respect to claims 2 and 5 – 7, Murakami et al. teach the limitations described in the claims (Figs.9 and 10; Col.5, Line 57 – Col.6, Line 26).

With respect to claims 3 - 5, Bingle et al. teach the limitations described in the claims (Fig.11; Col.8, Lines 14 – 37).

Conclusion

2. The attached hereto PTO Form 892 lists prior art made of record that the Examiner considered it pertinent to applicant's disclosure.

Contact Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edgardo San Martin whose telephone number is (571) 272-2074. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571) 272-2800 ext.37.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Edgardo San Martin/

Edgardo San Martin
Primary Examiner
Art Unit 2837
Class 181
June 9, 2008